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I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, and/or fee, is being deposited with the United States Postal Service, "EXPRESS MAIL-POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, on the date indicated above, and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Katherine V. Hilbert  
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Katherine V. Hilbert  
Type or print name of person



Attorney's Docket No. 23119/04016

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John R. Lau, et al. : Group No. : 1615

Serial No.: 09/313,828 : Examiner: Gollamudi S

Filed: May 18, 1999 : Kishore

For: Targeted Liposomal Drug Delivery System

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OCT 25 2005

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Alexandria, VA 22313-1450

SUPPLEMENTAL PETITION UNDER 37 CFR 1.137(b)

Sir:

This is a Supplemental Petition supplemental to the Petition for Revival, Fee and Request for Continued Examination sent to the Patent Office on July 13, 2005 in connection with the above captioned application. The purpose of this Supplemental Petition is to provide additional information surrounding the events that caused the above-captioned application to go abandoned.

The additional information is provided simultaneously herewith in the form of a Declaration by Dr. Blair Geho, a co-inventor of the present application. In the Declaration, Dr. Geho described the events surrounding the abandonment of the application; he avers that the abandonment of the application was entirely unintentional; and, further avers that he was unaware the application had become abandoned until March 2005.

A Revocation and New Power of Attorney appointing the undersigned as attorney in this application and a Request for Expedited Entry of same, previously filed on Sept.

21 and 22, 2005, respectively, are included herewith. No further fees are believed to be due. If a further fee is due, please charge deposit account 50-0573.

Applicants respectfully request prompt revival of this application in order that prosecution of the claims may continue.

Respectfully Submitted,

October 17, 2005  
Date

By: Kathryn Doyle  
Kathryn Doyle, Ph.D., J.D.  
Registration Number: 36,317  
Drinker Biddle & Reath LLP  
One Logan Square  
18th and Cherry Streets  
Philadelphia, PA 19103-6996  
Ph: 215-988-2902  
Fax: 215-988-2757

**Customer No. 23973**

#462775v1



Attorney's Docket No. 23119/04016

*Patent*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|  |   |                        |
|--|---|------------------------|
| In re Application of: John R. Lau, et al.    | : | Group No. : 1615       |
| Serial No.: 09/313,828                       | : | Examiner: Gollamudi S  |
|  | : | Kishore                |
| Filed: May 18, 1999                          | : | Confirmation No.: 4354 |
| For: Targeted Liposomal Drug Delivery System |   |                        |

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**DECLARATION OF W. BLAIR GEHO, M.D., Ph.D.**

**In Support of the Petition for Revival under 37 CFR 1.137(b)**

I, W. Blair Geho, declare as follows:

1. I am a co-inventor of the above-identified patent application. This Declaration is submitted in support of my Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), mailed to the US Patent and Trademark office on July 13, 2005.

2. In January 2003, I received a Final Office Action dated January 9, 2003 under cover of a letter sent from the USPTO to Calfee Halter & Griswold LLP, our attorneys of record in this application.

3. I had been informed by counsel at Calfee Halter & Griswold LLP that, as an inventor, I could file a response to the Office Action directly with the USPTO.

4. I filed a response to the Office Action on July 2, 2003 and the response was received by the USPTO on July 8, 2003.

5. A Notice of Abandonment was sent by the Examiner to Calfee Halter & Griswold, LLP on July 29, 2003. The Notice of Abandonment indicated that "A proposed reply was received on July 8, 2003, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. The reason stated for the reply not constituting a proper reply was "The amendment was not signed by the authorized person."

6. I did not receive the Notice of Abandonment from Calfee Halter & Griswold, LLP.

7. A Revocation and New Power of Attorney was filed on February 14, 2005 in the USPTO appointing Debra D. Norman, Gilbert, AZ as the attorney of record. The USPTO accepted the Power of Attorney in a Notice of Acceptance of Power of Attorney dated March 9, 2005.

8. Subsequent to her appointment, Debra Norman learned of the Notice of Abandonment when trying to determine the status of the present application and informed me of the same.

9. A Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b) and a Request for Continued Examination was filed by Debra Norman on July 13, 2005.

10. At no time prior to the point when Debra Norman learned of the Notice of Abandonment did I have any knowledge that the application had been abandoned. At no time did I intend that the application be abandoned. I understood that my Response to the Final Office Action which had been mailed was being reviewed by the Examiner.

11. Accordingly, the entire delay from the date for the submission of the required reply to the January 9, 2003 Final Office Action to the filing of the Petition for Revival was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title

18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

October 14, 2005  
(date)

W. Blair Geho  
W. Blair Geho, M.D., Ph.D.

#462516v1

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED VIA FACSIMILE TO OFFICE OF INITIAL PATENT EXAMINATION (OIPE), CENTRAL FAX NO. (571) 273-8300, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.



BY: Daryl R. Ratt

DATE: Sept. 22, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|             |                                  |   |                       |
|-------------|----------------------------------|---|-----------------------|
| In re:      | Patent Application Of            | : | Group Art Unit:       |
|             | John R. Lau, et al.              | : | 1615                  |
| Serial No.: | 09/313,828                       | : | Examiner:             |
| Filed:      | May 18, 1999                     | : | Kishore, Gollamudi S. |
| For:        | TARGETED LIPOSOMAL DRUG DELIVERY | : | Attorney Docket No.   |
|             | SYSTEM                           | : | 23119/04016           |
|             |                                  | : | OCT 25 2005           |

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**REQUEST FOR EXPEDITED ENTRY OF  
REVOCATION OF POWER OF ATTORNEY AND  
APPOINTMENT OF NEW ATTORNEY BY APPLICANT/INVENTOR**

Applicants hereby request expedited entry of the Revocation of Power of Attorney and Appointment of New Attorney by Applicant/ Inventor, which Applicants filed on September 21, 2005 by facsimile (copy enclosed) into the above-identified application. The application currently presides in the Petitions Office awaiting a decision on a petition previously filed by Applicants.

Respectfully submitted,

September 22, 2005

Kathryn Doyle  
KATHRYN DOYLE, Ph.D., J.D.  
Registration No. 36,317  
DRINKER BIDDLE & REATH LLP  
One Logan Square  
18<sup>th</sup> and Cherry Streets  
Philadelphia, PA 19103-6996  
Tel: (215) 988.2902  
Fax: (215) 988.2902  
email: [kathryn.doyle@dbi.com](mailto:kathryn.doyle@dbi.com)

/dp  
Enclosure

::ODMA\PCDOCS\PHIP\457651\1



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED VIA FACSIMILE TO OFFICE OF INITIAL PATENT EXAMINATION (OIPE), CENTRAL FAX NO. (571) 273-8300, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: Danyle Patel

DATE: Sept. 21, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application Of  
John R. Lau, et al.

: Group Art Unit:  
: 1615

Serial No.: 09/313,828

: Examiner:

Filed: May 18, 1999

: Kishore, Gollamudi S.

For: TARGETED LIPOSOMAL DRUG  
DELIVERY SYSTEM

: Attorney Docket No.:  
: 23119/04016

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**OFFICE OF PETITIONS**

**REVOCATION OF POWER OF ATTORNEY AND APPOINTMENT  
OF NEW ATTORNEY BY APPLICANT/INVENTOR**

Applicants hereby revoke all previous powers of attorney in the above-identified application and appoint the attorneys/agents associated with Customer No. 23973, namely:

**DRINKER BIDDLE & REATH LLP**

One Logan Square

18<sup>th</sup> & Cherry Streets

Philadelphia, PA 19103-6996

Tel.: (215) 988.2700

FAX.: (215) 988.2757

to prosecute the above-identified application and to transact all business in the Patent and Trademark Office in connection therewith.

Respectfully submitted,

Sept 21, 2005  
Date

By: John R. Lau  
John R. Lau  
Applicant/Inventor

Sept 21, 2005  
Date

By: W. Blair Geho  
W. Blair Geho  
Applicant/Inventor

Sept 21, 2005  
Date

By: George H. Snedeker  
George H. Snedeker  
Applicant/Inventor

/dp